

Serial No. 10/725,083
Reply to Office Action dated August 24, 2005

Docket No. STINN-0001-US

REMARKS/ARGUMENTS

Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks. Claims 1-6 are canceled without prejudice or disclaimer and claims 7-13 are now pending in the application.

First, Applicants wish to thank the Examiner for the courtesy of an interview granted to Applicants' representative on October 27, 2005, at which time the outstanding issues in this case were discussed. Arguments similar to the ones developed hereinafter were presented and the Examiner indicated that in light of the arguments, the amended claims appear to be allowable and he would reconsider the outstanding grounds for rejection upon formal submission of a response. Specifically, the Examiner and Applicant's representatives agreed that the proposed new claims define over the applied prior art and that the proposed new claims are subject to further search and consideration.

Drawings

Figures 1-8 were objected to because of the informalities identified in the Office Action. The informalities are corrected by (substituted figures 1-6). Accordingly, the Applicant respectfully requests the Examiner to reconsider and withdraw this objection.

Serial No. 10/725,083

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The specification was objected to because of informalities. This Amendment addresses this objection by correcting the noted informalities in the specification through the use of a substitution specification. Accordingly, withdrawal of this objection is respectfully requested.

Claim Objections and 35 U.S.C. § 112 Rejections

Claims 1-6 were objected to because of informalities. Each of the informalities identified in the Office Action has been addressed in this Amendment. Applicant accordingly requests the Examiner to reconsider and withdraw these objections.

Claims 1-6 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter set forth therein. Each of the formalities identified in the Office Action has been addressed in this amendment through the cancellation of the rejected claims, and Applicant accordingly requests the Examiner to reconsider and withdraw this rejection.

Serial No. 10/725,083
Reply to Office Action dated August 24, 2005

Docket No. STINN-0001-US

35 U.S.C. § 102 & 103 Rejections

Claims 1-6 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Forte (U.S. Patent No. 4,043,368 – the '368 patent). Applicant respectfully traverses each of these rejections for at least the following reasons.

With respect to 35 U.S.C. 120(b) rejection of claims 1-6, these claims have been canceled without prejudice or disclaimer. Thus we respectfully ask the Examiner to withdraw the rejection.

With respect to new claims 7-20, Applicant believes these claims distinguish over the '368 patent for the following reasons. The '368 does not teach or suggest the use of three heat seals to combine plastic sheets in order to form a single cover. Further, the '368 patent does not teach or suggest the combination, heat sealing and folding of two plastic sheets to form a handle at one end of the cover. Additionally, the '368 patent does not teach or suggest the forming of a hem at the bottom portion of two heat sealed plastic sheets in order to provide an area for housing an elastic cord.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the

Serial No. 10/725,083

Docket No. STINN-0001-US

Reply to Office Action dated August 24, 2005

filing of this, concurrent and future replies, including extension of time fees, to Deposit

Account 50-3136 and please credit any excess fees to such deposit account.

Respectfully submitted,



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Date: December 9, 2005

Attachment(s):

Substitute Drawings

Substitute Specification

Marked Up copy of Original Specification